IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.ESWARAIAH
WRIT PETITION NO : 14139 of 2004

Between:
D. Tata Rao, S/o. Narayanappudu, R/o. Singavaram Village, Denkada Mandal, Vizianagaram District.

... PETITIONER

AND

1 The Government of Andhra Pradesh, Co-operative Department, Rep. by its Secretary, Secretariat of AP, Hyderabad.
2 The District Co-operative Officer, Vizianagaram District. Vizianagaram.
3 The Deputy Co-operative Officer, Vizianagaram District. Vizianagaram.
4 Konada Primary Agricultural Co-operative Society Limited, Rep. by its
Person-in-Charge/Chairman/Br. Manager, Pusapatirega Branch,Pusapatirega
Mandal, Vizianagaram District.
5 Sri. G. Joga Rao, Person-in-Charge Committee,
Konada P.A.C.S., & Domestic Enquiry Officer,

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of Writ of Mandamus against the respondents and quash the order of removal of my service from the 4th respondent vide Orders dated 22-05-2004 as illegal, arbitrary, unjust and unconstitutional being violative of Articles 14, 21, 311(2) of the Constitution of India, and Principles of Natural Justice

Counsel for the Petitioner: MR.C.SHANMUKHA RAO

Counsel for the Respondents 1 to 3: GP FOR COOPERATION

Counsel for the Respondents 4 & 5: None appeared

The Court made the following order:

ORDER:

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The petitioner is an employee of the 4th respondent Primary Agricultural Cooperative Society (for short 'PACS'). He has questioned the order of the said society in placing his services under suspension pursuant to the enquiry report dated 20.06.2003 made under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964.

The petitioner submits that he enquiry conducted by the co-delinquent is illegal and unsustainable. Therefore, the order of suspension made by the society is without any justification.

Learned counsel for the petitioner places reliance on the judgment of Learned Single Judge in **K. VENKATESWARA RAO v. PRIMARY AGRICULTURAL COOPERATIVE CREDIT SOCIETY**[1]**.** In the said case, this Court interfered with the suspension order made by PACS, but the maintainability of the writ petition against PACS by its employees has not at all been considered.

In WP.No.3171 of 2003 and batch, I have taken a view that the writ petition is not maintainable against PACS filed by its employees, as PACS is not a State within the meaning of Article 12 of the Constitution of India amenable to the writ jurisdiction of this Court. For the aforesaid reasons, the writ petition is dismissed, keeping it open for the petitioner

to avail alternative remedies. No costs.

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V. ESWARAIAH, J

September 20, 2004
Dsk

To

1 The Secretary The Government of Andhra Pradesh, Co-operative Department, Secretariat of AP, Hyderabad.(with a copy of order dt.30.8.04 in WP.No.3171/03)
2 The District Co-operative Officer, Vizianagaram District. Vizianagaram.
3 The Deputy Co-operative Officer, Vizianagaram District. Vizianagaram.
4 Person-in-Charge/Chairman/Br. Manager, Konada Primary Agricultural Co-operative Society Limited, Pusapatirega Branch, Pusapatirega Mandal, Vizianagaram District.
5 Two CCs to GP For Cooperation, High Court Buildings, Hyderabad (OUT)
6 Two CD Copies.

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[1] 1997 (6) ALD 312